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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,950	08/29/2000	Mark T. Gross	5038-41	8973

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MARGER JOHNSON & MCCOLLOM PC  
1030 SW MORRISON STREET  
PORTLAND, OR 97205

EXAMINER

FLYNN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2153

11

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/650,950

**Applicant(s)**

GROSS, MARK T.

**Examiner**

Kimberly D Flynn

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to a Request for continued examination filed January 20, 2004.  
Claims 1-7 and 14-17 are presented for further consideration.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Feinleib (6,272,532).

In considering claim 1, Feinleib discloses a method for configuring an appliance across a network, comprising:

- receiving configuration instructions via an e-mail message including the instructions in command format received at the appliance (see col. 2, lines 50-59); and
- extracting and parsing the configuration instructions from the e-mail message (see col. 2, lines 64-67 through col. 3, lines 1-2 and also col. 4, lines 4-7).

In considering claim 2, Feinleib discloses a method wherein the e-mail is received at a mail server on the appliance (see col. 2, lines 59-64).

In considering claim 3, Feinleib discloses a method wherein the mail server on the appliance communicates is one of the group comprised of: an IMAP server, and a SMTP server (see col. 2, lines 59-66).

In considering claim 5, Feinleib discloses a method wherein the method further comprises connecting the appliance to the network to receive the mail message (see col. 5, lines 28-36).

In considering claim 14, Feinleib discloses an article comprising:  
a storage medium, the storage medium having stored thereon instructions, that, when executed by a computing device, result in:

- reception of an electronic mail message by a network appliance (see col. 5, lines 28-36);
- extraction of instructions from the electronic mail message (see col. 4, lines 4-7);  
and
- configuration of the appliance in accordance with instructions contained in command format in the electronic mail (col. 2, lines 50-59).

In considering claim 15, Feinleib discloses an article wherein the computing device is the network appliance (see col. 5, lines 28-36).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C., 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 6-7 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib.

In considering claim 4, Feinleib discloses a method wherein the method further comprises running a mail daemon from the appliance, wherein the daemon monitors electronic mail for the device (see col. 5, lines 28-36).

Although Feinleib shows substantial features of the claimed invention, he fails to disclose the appliance always connected to the network. Nonetheless, the continual, uninterrupted connection of an appliance to a network would have been an obvious modification to the appliance disclosed by Feinleib, as many commercial devices are required to always be connected to the network in order to provide some type of requested service for end customers/clients. It would have been obvious for a person having ordinary skills in the art to modify Feinleib by always having the appliance connected to the network in order to provide 24/7 operations of usage for the appliance.

In considering claims 6 and 7, although Feinleib shows substantial features of the claimed invention, he fails to disclose the e-mail being received at a mail client on the appliance, as well as the mail client communicating with a mail server on the network. Nonetheless, the use of a mail client for receiving e-mail and communicating with a mail server would have been an obvious modification to the appliance disclosed by Feinleib, as many networks uses receive e-mail at a mail client on their PCs, such as Microsoft Outlook, wherein that mail client further communicates with a mail server, such as AOL. It would have been obvious for a person having ordinary skills in the art to modify Feinleib by receiving e-mail being at a mail client on the

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appliance, and provide communication between the mail client and a mail server on the network in order to permanently archive/save the e-mails onto the client system.

In considering claims 16 and 17, although Feinleib shows substantial features of the claimed invention, he fails to disclose the network appliance being a remote camera or Internet radio player. Nonetheless, those two appliances are commonly used as network appliances for applications such as WebCam and Real Audio Player, and would have been obvious modifications to the network appliance disclosed by Feinleib. It would have been obvious for a person having ordinary skills in the art to modify Feinleib by using a remote camera or Internet radio player in order to utilize a multitude of multimedia services and applications.

### ***Response to Arguments***

6. Applicant(s) arguments filed January 20, 2004 have been fully considered but they are not persuasive.

- Applicant(s) argue that the instructions are contained within the email, not as attachments. Claim 1 recites, *inter alia*, “receiving configuration instructions via an e-mail message including the instruction in command format received at the appliance”. Feinleib teaches that the email messages include commands for configuring and controlling the central computer 18 (see col. 2, lines 54-60). Feinleib further teaches that module 22 analyses and parses the command message to extract the command (see col. 4, lines 4-7). As argued by the applicant, “If the instructions were sent in the form of an instructional text file, such as \*.INI file, there would be no need to parse or extract the command from the message”. Examiner agrees and also maintains that Feinleib alone

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teaches the claim as written. Because Feinleib teaches that the commands are included in the message and that the commands are later extracted from the message, it is therefore concluded that the command instructions are contained within the email, not as attachments.

- Applicant's arguments with respect to claims 2-7 and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

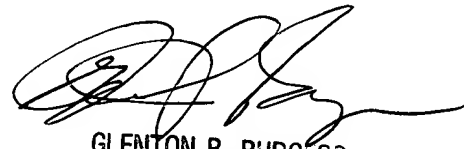
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kimberly D Flynn  
Examiner  
Art Unit 2153

KF  
March 31, 2004



GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100